

CITY OF MUSKEGON  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES

April 10, 2012

Chairman R. Hilt called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, S. Brock, B. Larson, J. Clingman-Scott

MEMBERS ABSENT: E. Fordham, excused; T. Halterman, W. German

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Brown, JKB Construction

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of February 14, 2012 be approved was made by B. Larson, supported by S. Brock and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2012-003: Request for a variance from "Section 1103: Area and Bulk Requirements," to allow a building to be built closer to the front and side property lines than allowed at 2020 Lakeshore Dr, by GNS Subway, Inc. M. Franzak presented the staff report. This vacant building is located in a B-4, General Business zoning district and was previously used as a restaurant. The owner plans to demolish the current building and construct a new one. B-4 districts call for buildings to be set back at least 10 feet from the front property line, 10 feet from the rear property line, and side setbacks of at least 8/20 feet. The proposed plans do not meet the front and side setback requirements: The proposed front setback is 3 feet, and the side setbacks are 15 feet on the west and 3 feet on the east. The owner is seeking a variance from the front and side setback requirements. The current building does not have a front setback, as it is built directly on the front property line. This is not uncommon for commercial buildings on this stretch of Lakeshore Drive, comprising the Lakeside business district. Several building sit on the front property line, with other businesses directly adjacent to them. The current building is considered legally non-conforming, but may not be rebuilt there without a variance. The owner has an easement in place with the parking lot to the east of the property for ingress to the drive-thru.

J. Brown stated that this would be a dual-suite building. Subway would be in one side, with a tenant in the other side yet to be determined. They needed the variance so that they would have room for the drive-thru. B. Larson asked who owned the parking lot adjacent to the building. J. Brown stated that G. Bailey did. M. Franzak stated that he had a copy of the easement agreement.

A motion to close the public hearing was made by B. Larson, supported by R. Hilt and unanimously approved.

The following findings of fact were offered: a) that there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district; b) that such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity; c) that the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest; d) that the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) that the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and f) that the requested variance is the minimum action required to eliminate the difficulty.

A motion that the findings of fact as determined by the Zoning Board of Appeals be adopted and that the variance request to allow reduced front and side setbacks at 2020 Lakeshore Drive be approved, with the conditions that 1) the additions to the property must be complete within one year (Sec. 2504) or the variance is void, and 2) the variance is recorded with the deed to keep record of it in the future, was made by J. Clingman-Scott, supported by B. Larson and unanimously approved.

#### OLD BUSINESS

None

#### OTHER

None

There being no further business, the meeting was adjourned at 4:12 p.m.